

The House Committee on Judiciary offers the following substitute to SB 638:

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 44-14-363 of the Official Code of Georgia Annotated, relating to special liens on personalty, so as to eliminate aircraft liens subject to recordation in the Federal Aviation Administration's Aircraft Registry from this Code section; to amend Code Section 44-14-518 of the Official Code of Georgia Annotated, relating to liens on aircraft for labor and materials and for contracts of indemnity, so as to provide for filing a notice of intention to claim a lien with the Federal Aviation Administration's Aircraft Registry; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 44-14-363 of the Official Code of Georgia Annotated, relating to special liens on personalty, is amended by striking paragraph (1) of subsection (c) in its entirety and inserting in its place the following:

"(c)(1) When possession of the property is surrendered to the debtor, the mechanic shall record his or her claim of lien within 90 days after the work is done and the material is furnished or, in the case of repairs made on or to ~~aircraft~~ or farm machinery, within 180 days after the work is done and the material is furnished. The claim of lien shall be recorded in the office of the clerk of the superior court of the county where the owner of the property resides. The claim shall be in substance as follows:

'A.B., mechanic, claims a lien on \_\_\_\_\_ (here describe the property) of C.B., for work done, material furnished, and storage accruing (as the case may be) in manufacturing, repairing, and storing (as the case may be) the same.'"

**SECTION 2.**

Code Section 44-14-518 of the Official Code of Georgia Annotated, relating to liens on aircraft for labor and materials and for contracts of indemnity, is amended by striking it in its entirety and inserting in its place the following:

"44-14-518.

(a) Any person engaged in fueling, repair, storage, servicing, or furnishing supplies or accessories for aircraft or aircraft engines or providing contracts of indemnity for aircraft shall have a lien on such aircraft or aircraft engines for any reasonable charges therefor, including charges for labor, for the use of tools, machinery, and equipment, and for all parts, accessories, materials, fuel, oils, lubricants, storage fees, earned premiums, and other supplies furnished in connection ~~with the servicing or furnishing of supplies or accessories or providing contracts of indemnity for such aircraft.~~ Such lien shall be dissolved unless ~~the person claiming it shall file, therewith.~~ Except as provided by subsection (a) of Code Section 11-9-333, such lien shall be superior to all liens except liens for taxes.

(b) Such lien may be asserted by the retention of the aircraft or aircraft engines, and if such lien is asserted by retention of the aircraft or aircraft engine, the lienor shall not be required to surrender the aircraft or the aircraft engine to the holder of a subordinate security interest or lien. When possession of the aircraft or aircraft engine is surrendered by the person claiming the lien, the person claiming the lien shall, within 90 180 days after such fuel, repair, storage, service, supplies, accessories, or contracts of indemnity are furnished, in the office of the clerk of superior court of the county within which the aircraft was located at the time such service, supplies, accessories, or contracts of indemnity were furnished, a statement,

(1) Provide written notice, subscribed and sworn to by such person or by some person in his or her behalf, giving a just and true account of the demands claimed to be due, with all just credits and the name of the person to whom the fuel, repair, storage, service, supplies, accessories, or contracts of indemnity were furnished, the name of the owner of the aircraft or aircraft engine, if known, and a description of the aircraft sufficient for identification. ~~Such statement shall be recorded by the clerk in a book kept for that purpose, for which the clerk shall receive the same fees as provided in subparagraph (f)(1)(A) of Code Section 15-6-77 for recording liens.~~ by personal delivery, certified mail with return receipt requested, or statutory overnight delivery to the following:

(A) The registered owner and others holding recorded interests in the aircraft or aircraft engines at the addresses listed in the Federal Aviation Administration's Aircraft Registry; or

1     (B) If not a United States registered aircraft or if the aircraft engine is not subject to  
2     recordation by the Federal Aviation Administration, to the owner, if known, at his or  
3     her last known address, or, if not known, the person to whom the fuel, repair, storage,  
4     service, supplies, accessories, or contracts of indemnity were furnished; and  
5     (2) File such written notice for recording in the Federal Aviation Administration's  
6     Aircraft Registry in the manner prescribed by federal law under 49 USC Section 44107  
7     for the filing of such liens for recordation, or, if not a United States registered aircraft or  
8     if the aircraft engine is not subject to recordation by the Federal Aviation Administration,  
9     with the appropriate recording authority, established by applicable state law, international  
10    treaty, or foreign law, in the manner prescribed for the filing of such liens for  
11    recordation."

12                                   **SECTION 3.**

13    This Act shall become effective on July 1, 2006.

14                                   **SECTION 4.**

15    All laws and parts of laws in conflict with this Act are repealed.